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Attorneys for Plaintiff Express Mobile, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

EXPRESS MOBILE, INC.

Plaintiff,

v.

MICROSOFT CORPORATION and
LINKEDIN CORPORATION,

Defendants.

Case No. 3:20-cv-06152-RS

**STIPULATION AND ORDER
REGARDING DEFENDANTS'
MOTION TO SEVER AND
AGREEMENT REGARDING
SEVERANCE FOR TRIAL**

1 IT IS HEREBY STIPULATED by and between Plaintiff Express Mobile, Inc. and
 2 Defendants Microsoft Corporation (“Microsoft”) and LinkedIn Corporation (“LinkedIn”)
 3 (collectively, “Defendants”), subject to the approval of the Court, as follows:

4 WHEREAS, on December 30, 2020, Defendants filed a Motion to Sever and Consolidate for
 5 Pretrial Purposes contending that LinkedIn had been improperly added to Plaintiff’s lawsuit against
 6 Microsoft in violation of 35 U.S.C. § 299 and requesting that the allegations and claims against
 7 LinkedIn be severed into a separate case and consolidated with this one for pretrial purposes (Dkt.
 8 53);

9 WHEREAS, on January 13, 2021, Plaintiff responded to Defendants’ motion stating it “does
 10 not oppose severance of this matter into two jury trials at the Court’s discretion at the pretrial
 11 conference” but requested that the Court defer such severance until the pretrial conference (Dkt. 55);

12 WHEREAS, the parties agree that Microsoft and LinkedIn are entitled to separate trials, but
 13 that for administrative ease, the allegations and claims against Defendants can proceed as one case
 14 for pretrial purposes, provided that is acceptable to the Court;

15 WHEREAS, the parties agree that Defendants’ motion to sever is moot in view of the parties’
 16 lack of disagreement on severance for trial;

17 NOW, THEREFORE, pursuant to Civil Local Rule 7-12, the parties hereby stipulate that,
 18 subject to the Court’s approval, Defendants will withdraw their motion to sever (Dkt. 53) (such
 19 withdrawal shall not constitute waiver of any objection to improper joinder) and the parties agree to
 20 separate trials for Microsoft and LinkedIn, subject to the Court’s approval.

21 IT IS SO STIPULATED.

22
 23 Dated: January 21, 2021

24
 25 By: /s/ Irene Yang

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By: /s/ Robert F. Kramer

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Attorneys for Plaintiff Express Mobile, Inc.

SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I hereby certify that concurrence in the filing of this document has been obtained from each of the other signatories shown above.

Dated: January 21, 2021

By: /s/ Irene Yang
Irene Yang

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 22, 2021



Honorable Richard Seeborg
UNITED STATES DISTRICT JUDGE